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France

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I. Introduction and methodology of preparation of the national report

1. Respecting human rights is among the core values of the French Republic, springing from the philosophy of the Enlightenment and the Declaration of the Rights of Man and of the Citizen of 26 August 1789.

2. France supported the establishment of the universal periodic review and took an active part in the reform of the Human Rights Council. In 2013, convinced of the essential role of peer review, it submitted, on its own initiative, an interim report on effective implementation of the recommendations it had received.

3. The Ministry of Europe and Foreign Affairs supervised the preparation of this report. The national human rights situation it sets out is the result of consultation of the relevant ministries, independent administrative authorities responsible for the protection of human rights, and the National Consultative Commission on Human Rights (CNCDH).[1] The Commission involved civil society on 20 March 2017.

II. Improvement of the normative and structural framework for protection of human rights

4. Since the last universal periodic review recommendations, France has ratified the following treaties:

- The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, on 4 July 2014, entered into force on 1 November 2014.[2] This reflects the firm commitment of France to preventing such violence and coordinating measures in the framework of global policies.[3]
- The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 18 March 2015,[4] entered into force on 18 June 2015.[5]
- The Third Optional Protocol to the Convention on the Rights of the Child on a communications procedure, on 7 January 2016, entered into force on 7 April 2016.[6] This ratification underscores the commitment of France to promoting the rights of children, acknowledging their opinions and respecting their best interests.[7]
- The Protocol to the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), on 7 June 2016, entered into force on 7 June 2017.[8, 9]
- The Paris Agreement, on 15 June 2016, following its presidency of the twenty-first session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (COP21). This is the first universal environmental agreement referring to respect of human rights, the right to health, gender equality,[10] the empowerment of women and fairness between generations. France was committed to ensuring that the Agreement contained no ambiguities regarding gender equality. It entered into force on 4 November 2016.[11]

5. Regarding other recommendations:

- France does not intend to withdraw its declaration on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. Article 4 should not be interpreted as obliging States to promulgate repressive laws incompatible with the freedoms of opinion and expression, peaceful assembly and association (Universal Declaration of Human Rights and article 5 of the Convention). The purpose of the declaration is not to reduce the scope of the obligations provided for by the Convention but only to record France's interpretation of article 4 of the Convention.[12]
- France does not plan to withdraw its declaration on article 27 of the International Covenant on Civil and Political Rights. In accordance with its constitutional principles, France guarantees equal rights to its citizens. Consequently, collective

rights cannot be acknowledged to particular groups, be they "ethnic, religious or linguistic minorities". France also maintains its reservations on articles 9 and 14 of the International Covenant on Civil and Political Rights on the right to an independent and impartial tribunal and the rights to liberty and security.[13]

- France does not intend to ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families. Some of the provisions of the Convention fall within the jurisdiction of the European Union (EU) and Member States no longer have the right to accede to them unilaterally. Nonetheless, the fundamental rights of migrant workers, whatever their situation regarding the right of residence, are already protected by French domestic legislation, EU law, the European Convention on Human Rights and Fundamental Freedoms and the other international human rights instruments to which France is a party.[14]
- While France is unable to ratify the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), because of its constitutional system, for the most part it supports and implements the principles therein, respecting its legal framework.[15]
- The ILO Domestic Workers Convention, 2011 (No. 189), in force in only 23 countries,[16] is subject to specific regulation and exemption from ordinary law that conflicts with the principle of equal treatment contained in the Convention and makes ratification impossible in the current state of French law. In France, the system is based on agreements negotiated by the social partners, ensuring a balance between protecting employees and the needs of employers. The ratification process is nonetheless under examination.

6. In 2001, France issued a standing invitation to the special procedures of the Human Rights Council.[17] Each request is prepared with all relevant departments of Government.[18]

III. Promotion and protection of human rights

A. Promotion and strengthening of instruments to combat discrimination

7. Combating discrimination is a government priority. Article 225-1 of the Criminal Code provides that discrimination means any distinction made between physical and legal persons based on their origin, sex, family situation, pregnancy, physical appearance, particular vulnerability resulting from their economic situation that is apparent or known to the perpetrator, their surname, place of residence, state of health, loss of independence, disability, genetic characteristics, customs, sexual orientation, gender identity, age, political opinions, union activities, ability to speak a language other than French, real or supposed belonging or not belonging to an ethnic group or nation, alleged race or particular religion.

8. The French constitutional principles of unity of the French people, indivisibility of the Republic and equality of all citizens before the law without distinction of origin, race or religion prohibit the granting of collective rights to any group defined by community of origin, culture, language or belief.[19] France considers this conception based on the equality of all individuals before the law to be the best guarantee of the rights of everyone. No single body is specifically dedicated to anti-discrimination policy but specific measures are applied by ministries in their respective fields.

9. With the Act on equality and citizenship of 27 January 2017,[20] the Government strengthened its action to bring French people together around the values of the Republic and tackled the obstacles faced by part of the population regarding their living conditions. This Act makes the action of the judicial system in combating racism more effective.[21, 22]

10. The reform of the policy on cities makes combating discrimination a priority for all new city contracts 2015-2020 signed between the State and local authorities.[23] Operational committees to combat racism and anti-Semitism[24] have been set up in 90 departments, including overseas, to implement local policies on victim support and legal assistance, education on critical use of the Internet and fighting against the dissemination of prejudices.

Combating racial discrimination, xenophobia and anti-Semitism

11. In 2015, combating racism and anti-Semitism was declared a "national priority concern". The National Action Plan to Combat Racism and Anti-Semitism 2015-2017[25] contains 40 measures aimed at mobilizing the nation, punishing every racist or anti-Semitic act, protecting victims, training citizens through education and culture and protecting Internet users from the propagation of hatred.[26] It is based, in particular, on training for education staff[27] and specialized teaching resources.[28] It is currently being evaluated. The dedicated national body, the Interministerial Delegation to Combat Racism, Anti-Semitism and Anti-LGBT Hatred (DILCRAH), placed under the authority of the Prime Minister, is currently preparing the 2018-2020 plan by identifying measures likely to strengthen the fight against racism and anti-Semitism.[29] The Interministerial Delegation has many times criticized the distortions of some public discourse and informed the prosecuting authorities of the remarks made by certain elected representatives that it believed might be the subject of prosecution.

12. In accordance with article I of the Constitution,[30] France does not compile statistics on ethnicity. Nonetheless, numerous studies enable the phenomena of racism and discrimination in France to be understood.[31],[32] Furthermore, in the last two years, the ministries of interior and justice, in cooperation with the National Consultative Commission on Human Rights, have begun to improve the quality of their statistical apparatus in order to take stock of the situation more accurately, while respecting the republican context.

13. The dialogue initiated between the authorities and the Consultative Commission for preparation of the annual report on combating racism, anti-Semitism and xenophobia deepened knowledge of these phenomena.

14. The appointment of a contact judge[33] on racism and discrimination in each public prosecutor's office and the Attorney-General's Office strengthens the effectiveness of the fight against racism. Anti-discrimination units work in partnership with the prosecution service.[34]

15. While prosecution offices have dealt with few cases, the judicial system is implementing a proactive policy in order to facilitate the reporting of acts to the judicial authorities and foster the quality of investigations. The response of the criminal justice system is systematic and appropriate, and educational when the personality of the perpetrator and the gravity of the acts so lend themselves. It is also based on the development of partnerships, notably with the Defender of Rights[35] and in the framework of the authorities to prevent offending.[36] The Ministry of Justice has signed agreements with victim support, anti-discrimination and anti-racism associations in order to foster reporting.

16. The fight against online hate speech[37] has led to the adoption of legislation regulating the operation of online public communication services.[38] This has made content providers liable in the event of dissemination of unlawful content. In addition, technical providers[39] have a special duty to contribute to the fight against the dissemination of offences relating to child pornography,[40] the glorification of war crimes and crimes against humanity and incitement to racial hatred.[41],[42] Any failure to do so is subject to prosecution. The courts may also prohibit web hosts and Internet service providers from storing or accessing such content.[43] A national unit to combat hatred on the Internet, the platform to harmonize, analyse, cross-reference and direct reports (Pharos), was established in 2009. It received more than 17,000 reports of hate messages and discrimination in 2016.[44] A working group on fighting hatred on the Internet was set up in 2017.[45]

17. The implementation of the national plan led to wide-ranging mobilization of the authorities and civil society, including through campaigns such as *Débout contre le racisme* in 2015 and *Tous unis contre la haine* in 2016.[46] In order to tackle online hate speech, France is taking part in the Council of Europe No Hate Speech campaign, which targets young people and was launched in 2015.[47] In addition, in 2016 the Government gave fresh impetus to education against racism and anti-Semitism week by involving all the institutions of the Republic and their partners.

18. *As civil society had recorded relatively few complaints*, the Ministry of Interior, in partnership with the Interministerial Delegation to Combat Racism, Anti-Semitism and

Anti-LGBT Hatred, prepared a draft online complaint. There are also regular training and awareness-raising activities about racism, anti-Semitism and hate speech for police officers, gendarmes, judges[48] and senior registrars.

19. Partnerships between the Defender of Rights and the ordinary courts[49] have also been developed and strengthened.[50] Since the beginning of 2017, 26 agreements between prosecutor's offices and the Defender of Rights have been signed.

20. France condemns all ethnic profiling[51] as contrary to the republican principle of equality. When police officers and gendarmes check a person's identity, they may not do so on the basis of any physical characteristic or distinctive sign, unless the check is justified by a specific description.[52] This principle appears in the police and gendarmerie code of ethics.[53] Any check that strays from these rules is punishable by disciplinary measures and the courts.

21. Efforts to combat checks based on racial profiling have intensified: persons who consider themselves victims of such acts have the right to an effective remedy. The highest court, which handed down judgment on 9 November 2016 in 13 appeals concerning checks based on racial profiling, recalled that an identity check conducted on the basis of physical characteristics associated with an actual or presumed origin were discriminatory and rendered the State liable for gross negligence. The State was found guilty of discrimination in 5 of the 13 cases. In addition to taking legal action, it is possible to apply online to the police or gendarmerie inspection department or to apply to the Defender of Rights, an independent administrative authority.

22. The French Government has taken steps to bring the law enforcement agencies closer to the people and tackle such discrimination more effectively: experimental use of body-cameras[54] to calm down checks; since 1 March 2017, there has been trial compulsory video recording of identity checks;[55] law enforcement officers wear a visible identification number;[56] "day-to-day security police" will be introduced at the beginning of 2018; and training on the issues of racism, anti-Semitism and xenophobia for police and gendarmerie staff throughout their careers.[57]

Combating discrimination based on sexual orientation and gender identity

23. With Act No. 2013-404 of 17 May 2013 on marriage for all, France became the ninth European country and the fourteenth worldwide to allow same-sex marriage.[58] This Act opened up new rights for marriage, adoption and inheritance in the name of the principles of equality and shared freedoms. The legislator introduced provisions on adoption of the spouse's previously adopted child and the maintenance of contact with the step-parent in the event of separation. The regulations on transmission of the surname were amended.

24. The Act of 18 November 2016 modernizing the judicial system of the 21st century introduced into the Civil Code a specific and completely unmedicalized procedure whereby adults and minors free of incapacities imposed by minority may request that their sex be amended in the civil status register if they can demonstrate that it does not correspond to the one they live as and are known by.

25. Furthermore, the Act on equality and citizenship[59] substitutes for the concept "sexual identity" that of "gender identity" in order to define the aggravating circumstances of certain offences.

26. Continuing the programme of action presented in 2012, a plan against anti-LGBT hatred and discrimination (2017-2020)[60] was adopted in January 2017 to combat more effectively discrimination based on sexual orientation and gender identity, in particular by financing local and national associations[61] to carry out awareness-raising and training aimed at improving the response of the criminal justice system and specific victim support.

Combating discrimination in education

27. Promoting the fundamental values of the Republic, reducing social and territorial inequalities and promoting success are at the heart of French education policy expressed in the Act on guidance and programming for the renewal of the school of the Republic,[62]

which sets out a common core of skills, knowledge and culture and entered into force at the start of the 2016/17 school year.

28. The new syllabuses on ethics and civics, which came into force in 2015, include preventing discrimination. They seek to instil in pupils a moral conscience, the values of solidarity and their responsibility to combat discrimination more effectively.[63] The training provided and the resources allocated were strengthened in the context of the plan to combat racism and anti-Semitism 2015-2017.

29. A "Great mobilization of schools for the values of the Republic" was launched in 2015 with the establishment of a citizenship education programme[64] that enables pupils to acquire moral and civic judgment, critical thinking skills and a culture of commitment. France is the only European country that has specific civics education throughout schooling. The transmission of the values of the Republic was reaffirmed as a priority at the start of the 2017/18 school year.

30. The fight against harassment at school has been strengthened around four priorities: raise awareness, prevent, train and support.[65] The ministerial mission to prevent and combat violence at school gives the measures further backing.[66, 67]

31. The promotion of equality, social diversity and citizenship learning also take place through non-formal education: collective reception activities for children[68] contribute to citizenship learning. Education in the values of the Republic is a priority mission of sports instructors and teachers. A course called "Values of the Republic and secularism" has been given to those working in the field since 2016.

32. The fifth annual Ministry of Education road map for equality between women and men, published on 8 March 2017, provides for continuation of the Plan of action for equality between girls and boys at school, greater pupil empowerment and strengthened partnerships with civil society.

33. In order to rectify the impact of social and economic inequalities on success at school, two policies are implemented: a social mix in some 40 local authorities, and priority education in the most difficult neighbourhoods. The priority education map was reviewed at the beginning of the 2015/16 school year to make it more accurate.[69] In order to reduce inequalities, priority education places greatest emphasis on the first years of schooling (splitting classes in the first two years of primary school in priority education so that there are only 12 pupils per class), the objective being to achieve 100 per cent success in acquiring basic knowledge at this stage of education. Supplementing this, the fight against school dropout[70] emphasizes preventing dropout, remedial assistance and return to school[71] in partnership with local authorities.

34. The National Education Citizenship Reserve,[72] launched on 12 May 2015, makes volunteers available to give expression to the values of the Republic at school. They work with teachers or in the context of extracurricular activities.

35. Concerned by low enrolment in school in the overseas territories and its consequences for young people's education, France has included in the Real Overseas Equality Act the possibility of experimenting with compulsory education for all children, French and foreign, from the age of 3 years and beyond the age of 16, up to 18 when the young people have neither a job nor a secondary school certificate. This experiment needs to be supported and adapted to the characteristics of the areas concerned by a teacher recruitment policy and intensified school and boarding facility construction.[73]

Combating discrimination in sport

36. The protection of human rights has been a central thread in action taken since the mid-2000s to prevent incivility, violence and discrimination in sport. Means of observing behaviour contrary to respect for others, raising awareness on preventing and fighting incivility, violence and discrimination in sports training and communication[74] tools have been created. The campaign #CoupdeSifflet aims to combat homophobic, sexist and racist discrimination in sport. An Act of 2016 strengthened dialogue with supporters and the fight against hooliganism.[75]

Combating discrimination in employment

37. Combating discrimination in employment and guaranteeing equal access to employment remains a priority of the French authorities,[76] including with regard to gender equality.

38. The Act modernizing the judicial system of the 21st century[77] introduced a "specific group action" on discrimination in the context of labour relations[78] that enables several persons to go to court to obtain both the cessation of the offence and compensation for harm suffered. This mechanism, which provides for a compulsory social dialogue phase before the matter is taken to court, facilitates access to justice by employees and candidates who are victims of discrimination and who, individually, would be reluctant to take their employer to court.

39. The Act of 27 January 2017 on equality and equal citizenship introduced two new provisions aimed at preventing discriminatory practices within companies: it requires companies with more than 300 employees and all those offering recruitment services to provide employees responsible for recruitment with training in non-discrimination in recruitment; in the event of harm suffered following a test (sending pairs of false applications), the employer is liable.[79, 80]

40. With regard to discrimination on grounds of origin, France supported the adoption of the EU Directive on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers, adopted on 16 April 2014[81] and transposed into domestic law by the Act of 18 November 2016,[82] giving an important place to the Defender of Rights.

41. The "diversity label" was created in 2008 to highlight best practices in preventing all forms of discrimination recognized by law with regard to human resources management and social dialogue by both private and public employers. The label has been obtained by 350 bodies employing some 900,000 people.

42. The development of integrated classes preparing for higher education entrance examinations aims to strengthen equality of opportunity and diversity of origin among candidates sitting civil service examinations.[83]

B. Protection of freedom of religion and belief

43. Secularism is the legal principle that guarantees freedom of religion and belief in France. It implies the neutrality of public authorities, freedom of conscience for every individual, pluralism and religious toleration.[84]

44. Since 2015, a training plan for teachers and education staff has been implemented on tackling the questions of French and European citizenship, secularism and combating prejudice and discrimination.[85] The Ministry of Education wants to develop this training, one online module of which ("M*a*gistère") is devoted to secular teaching about religion. Instructions have been given to support staff who face objections.

45. Ethical and civics education syllabuses include study of the Charter on Secularism at School, disseminated in 2013 to all schools. Secularism is also the subject of an historical approach based on the conquest of fundamental rights and among the rules governing life in class and at school.

46. It is not planned to review the Act of 15 March 2004[86] regulating the wearing of signs or clothes indicating religious affiliation in public primary, middle and high schools. This Act, which does not infringe the right to education, protects pupils from all forms of pressure and preserves the status of school as a place of learning away from any tension or claim that could be harmful to the quality of relations between members of the education community.[87] It has been recognized as complying with article 9 of the European Convention on Human Rights.[88]

47. The Secularism Observatory, established in 2013 and placed under the authority of the Prime Minister,[89] brings together representatives of the government departments

concerned and qualified prominent individuals. It helps the Government with implementation of the principle of secularism and encourages training in secularism.

C. Promotion and protection of economic, social and cultural rights

48. France is attached to the principles of universality and indivisibility of human rights and recognizes the interdependence of economic, social and cultural rights with civil and political rights. As a "social Republic",[90] it attaches great importance to their implementation[91] and promotes the welfare of all and the protection of everyone's essential rights, as is shown by the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural rights.[92] Since the entry into force of the Protocol on 18 June 2015, French citizens have been able to submit individual or collective communications to the Committee if they consider themselves victims of violations of the rights set out in this Covenant.[93]

49. In the Right to Decent Housing Act,[94] France recognizes the right to decent and independent housing to everyone lawfully and permanently resident in French territory who does not have the means to obtain or maintain themselves in such housing.[95] This right is exercised through a dual remedy: out of court before the departmental mediation commission and then, for people whose application for housing has been acknowledged a priority and urgent, in the administrative court. Once this procedure is complete, an applicant found to be a priority who has not obtained satisfaction may bring a case against the State in order to obtain compensation for the harm suffered.[96]

D. Combating poverty

50. France has adopted a national objective to reduce poverty and social exclusion called Strategy Europe 2020, which takes into account three indicators for 2013-2020 (financial poverty, living conditions and underemployment). This strategy plans to reduce national poverty thresholds by 25 per cent by 2020.[97]

51. The plan against poverty and for social inclusion adopted in January 2013 is entering its final year. The policies on access to employment, health care, education, housing and family assistance now fully include the need to deal with the most vulnerable persons.[98]

52. The increase in the poverty rate observed in France between 2008 and 2012 has been stemmed and progress has been made, including with regard to emergency housing (+30,000 places since 2012) and access to employment by the 450,000 people who signed an assisted contract in 2015.[99]

53. The Act of 24 June 2016 to combat discrimination based on social vulnerability[100] introduced into criminal law a twenty-first criterion of discrimination based on social vulnerability.[101]

54. France is determined to continue its fight against the poverty and exclusion of children, families and young people aged 18 to 25, including by simplifying the procedures for access to rights and social services and putting in place a single payment of benefit. For those furthest from the employment market, improved linkage between social minima policies, integration in the job market and unemployment benefit will simplify procedures and secure the means of return to or remaining in work.[102]

E. Human rights and companies

55. Under the 2017 Act placing a duty of care on parent companies and principal contractors,[103] the companies concerned[104] are required to prevent serious violations of human rights, fundamental freedoms and the health and safety of persons and the environment in the context of their activities and the activities of companies they control, subcontractors and suppliers with which they have an established commercial relationship.[105] The purpose is to make international companies take responsibility in order

to prevent disasters in France and abroad[106] and to obtain compensation for victims in the event of harm either to persons or the environment.[107]

56. In April 2017, France adopted its National Plan of Action for implementation of the United Nations Guiding Principles on Business and Human Rights on the basis of the recommendations issued by the National Consultative Commission on Human Rights[108] and the work of the National Platform for the Social Responsibility of Businesses.[109]

F. Combating trafficking in human beings

57. Since 2012, France has put in place a policy against trafficking in human beings. It has found expression in the strengthening of legislation and the establishment in January 2013 of the Interministerial Mission for the protection of women from violence and combating trafficking in human beings, which is responsible for coordinating national action.

58. In 2014, the first plan of action to combat trafficking in human beings laid the foundations for this policy to combat trafficking in all its forms of exploitation.[110] Specific measures concern sexual exploitation and the trafficking of minors[111] (particularly in order to provide them with specialized assistance and to set out appropriate protection for minors, both perpetrators and victims). The implementation of this plan of action has enabled victims to be more clearly identified as a result of training of those working in the field and teaching aids.[112, 113] A consultation process for the next plan, adopting a cross-cutting approach, was launched in January 2017; a study on the victims of trafficking assisted by the voluntary sector was published in 2017.[114]

59. The Act of 4 August 2014 on genuine equality between women and men provides for automatic renewal for one year of the temporary residence permit of victims of trafficking if they have lodged a complaint or testified in the context of proceedings concerning trafficking and pimping offences.[115]

60. The Act of 13 April 2016[116] strengthens the fight against the prostitution system, organizes a route for leaving prostitution and punishes clients. Means for the investigation and prosecution of trafficking and pimping have been strengthened, along with support for prostituted persons and victim protection.[117]

61. Every year the Ecole Nationale de la Magistrature offers judges sessions devoted to the application of international legal instruments in the field of employment law and on combating trafficking in human beings.

G. Promotion and protection of human rights in places of imprisonment

62. The Government wished to change the paradigm in criminal policy by favouring the use of alternative sentences to deprivation of liberty,[118] reducing the number of short sentences and developing adjusted sentences.[119] For example, the Act of 24 November 2009 favours the principle of sentences served in an open environment and an Act of 15 August 2014 provides many alternatives to imprisonment by establishing "criminal constraint".

63. These tendencies are part of the policy to tackle prison overcrowding, a major preoccupation of the French authorities. A programme to extend and renovate prisons is also in progress.

64. Legislation guarantees freedom of communication between detainees and defenders and prohibits any control of detainees' telephone communications with their lawyers (detainees are provided with the list of lawyers enrolled at the Bar),[120, 121] lays down the principle of individual cells, reaffirms the reintegration mission of the public prison service, broadens the criteria for adjusted sentences and enshrines the principle of maintaining family life.[122] Legislation also recalls the principles of continuity and quality of access to health care, and taking into account the psychological state of detainees.[123, 124]

65. In 2014, the Ministry of Justice embarked upon a policy of improving the educational provision for detained juveniles,[125] the priority being to foster access to

ordinary schooling and vocational education facilities. The ministries of education and justice have redefined their working priorities in order to foster access by juveniles placed under judicial protection to education appropriate to their needs with a view to more successful reintegration.[126] On 7 March 2017, the government departments concerned and the national union of local missions[127] signed a framework agreement on partnership for the social integration and employment of young detainees.[128]

66. The Charter on the rights and freedoms of prisoners,[129] which is applicable in all closed education centres, includes instructions for the respect of rights to family relationships, religious freedom and access to information.[130]

H. Respect of human rights in the context of combating terrorism

67. France is more than ever determined to fight against terrorism, which has hit it hard in recent years, by improving coordination of the intelligence and anti-terrorism services, and strengthening cooperation with its partners, particularly in Europe, developing its legislative and regulatory instruments and adopting a new plan of action against radicalization and terrorism. Combating terrorism also involves French intervention in foreign theatres of operations.[131] These actions take place respecting the international framework of human rights protection and, regarding foreign engagements, the principles of international humanitarian law and other relevant stipulations.

68. As early as 1986, France acquired a specific legal arsenal with specialized courts and legislation based on a permanent search for balance between effectiveness of the fight against terrorism and the preservation of public freedoms, which governed amendments made in response to changing threats.[132] The main recent measures include prohibition on leaving the country,[133] prohibition on entering the country,[134] freezing of assets,[135] blocking Internet sites that glorify terrorism, various intelligence techniques, night-time house searches in terrorist cases, judicial processing of French nationals returning from conflict zones, and enhanced security procedures for access to facilities during major events.

69. The gravity of the attacks of 13 November 2015 justified the imposition of a state of emergency throughout French territory the following day. In view of the very alarming level of the terrorist threat, the state of emergency was extended several times until 1 November 2017.[136] Since 13 November 2015, the legislator has four times amended Act No. 55-385 of 3 April 1955 on the state of emergency in order to define the legal framework of its provisions[137] and strengthen the guarantees afforded to the persons they target. These changes testify to the wish of the French authorities to adapt this system, which is an exception to current standards of protection of fundamental rights characteristic of a democratic and republican State. The state of emergency changes neither the role nor the powers of soldiers (the ability of the Government to establish military courts, the only reference to a military power in this exceptional civilian system, was deleted in 2015).[138]

70. Faced with a threat of rare gravity, France informed the Secretary-General of the United Nations and the Secretary General of the Council of Europe that it intended to avail itself of exemptions from the International Covenant on Civil and Political Rights and the European Convention on Human Rights. Notification is sent systematically each time the state of emergency is extended. Relying upon the exemption clauses does not in any way mean that France has disengaged from its international obligations regarding human rights, but that it respects them according to particular procedures in an exceptional situation for which provision is made in these instruments.

71. The provisions on prevention of or fighting terrorism are subject to review by the courts, actions taken in this field regularly being brought before them. The Constitutional Council has ruled many times on their compliance with fundamental rights, finding against some of them in recent years.[139] In particular, on the occasion of the seven priority questions of constitutionality, it examined the compliance of the most important provisions of the state of emergency with the French Constitution and fundamental rights.[140] Two further priority questions of constitutionality are currently under examination by the Constitutional Council.[141]

72. The deployment of military forces on national territory has a deterrent effect, reassures and protects the people, helps surveillance missions and supports the police and gendarmerie. The action of the Ministry of the Armies — supplementing that of the internal security forces — strictly respects human rights. The soldiers deployed on national territory[142] are permitted to use their weapons only in cases of absolute necessity and in a strictly proportionate manner in five cases exhaustively enumerated and precisely described in law.

73. On 9 May 2016, France adopted a strengthened interministerial plan of action against radicalization and terrorism, which aims to detect paths of radicalization and terrorist channels as soon as possible, keep under observation, hamper and neutralize the latter, combat terrorism in its international networks and its sanctuaries, etc.[143]

74. With regard to combating radicalism in schools, the Ministry of Education is strengthening the prevention and monitoring plan and continuing the monitoring plan for non-contractual private education and home education.

75. The Head of State has committed to ending this exceptional system on 1 November 2017.[144] A bill strengthening internal security and combating terrorism currently under examination by Parliament, should be adopted soon. The planned provisions to amend legislation and adapt the means available to the security and intelligence services will provide guarantees to ensure respect of rights and freedoms.[145]

I. Respect of human rights by the security forces

76. A common police and gendarmerie code of ethics[146] is given to all police officers and gendarmes when they enter the service. It stipulates that: "ethical rules … define the duties incumbent upon police officers and gendarmes in the fulfilment of their internal security missions during or outside the service and … are the subject of initial and ongoing training given to police officers and gendarmes to enable them to carry out their duties in an irreproachable manner".[147]

77. In order to unify the rules applicable to all members of the security forces and to strengthen the efficacy of the mobilization of the law enforcement agencies, the Act of 28 February 2017 on security allows units of the gendarmerie and the national police to be given intermediate weapons.[148] These non-lethal weapons enable a graduated and proportionate response to a dangerous situation when the legitimate use of force proves necessary. Their use is subject to strict conditions of necessity and proportionality. It is also subject to specific training and rigorous controls.[149]

78. While cases of police violence have been reported, France has institutions and procedures to guarantee a right to an effective remedy to persons who consider themselves victims of such acts and is careful not to leave unpunished proven cases of excessive use of force. There are several remedies: lodging a complaint against the officer;[150] referring the matter to the prosecution services; referring it to the Defender of Rights, to whom matters may be referred by anyone considering themselves a victim of a breach of professional ethics.[151] In addition to the usual recourse to a lawyer, citizens may go to the access-to-law bodies[152] providing specialized advice and assistance in judicial proceedings. Lastly, the matter may be taken to an international body: the French State is answerable to the special rapporteurs and committees of the United Nations and the Council of Europe for the action of its law enforcement agencies.

79. An officer suspected of excessive use of force can be the subject of administrative and judicial investigations.[153] The official administrative superior and the inspection bodies of the police and gendarmerie exercise control over the use of force and punish inappropriate use.[154] An administrative investigation is conducted systematically, and there is a judicial investigation if the shots of a police officer or gendarme have wounded or killed. In 2015, 2,113 disciplinary measures were ordered against police officers, 35 of which concerned punishment for breaches of the duty to respect the dignity of the person or the duty to protect a person stopped and questioned, or the disproportionate use of force or

constraint. In the same year, 13 disciplinary measures were ordered against gendarmes for unlawful acts of violence.[155]

J. Promotion and protection of human rights in overseas departments, regions and territories

84. The Real Equality Overseas Act of 28 February 2017[156] aims to reduce the inequalities between overseas territories and metropolitan France, taking into account the specific characteristics of each territory. It constitutes a major advance, aligning social benefits with national standards, fighting high living costs, building 150,000 homes, and compensating all victims of nuclear tests in French Polynesia.

85. The compulsory schooling experiment is covered in paragraph 35 of this report.[157]

86. On 25 May 2016, the Overseas Health Strategy was set out. It sets the common priorities and objectives of the overseas territories and is accompanied by a road map for each territory. It responds to the specific health challenges of, and seeks to reduce the significant current gaps between those territories and metropolitan France.

87. One of the objectives of the overseas housing plan 2015-2020 and its local versions is to tackle housing unfit for human habitation. Guidelines on this challenge were distributed in June 2016.

88. As in metropolitan France, the protection and promotion of women's rights is a major government concern. Each overseas prefecture has a women's rights officer[159] responsible for implementing the policy on equality between women and men.[160]

89. France takes into account the aspirations of indigenous peoples, respecting the constitutional principle of equality between citizens.[161] In consultation with representatives of local authorities, it has adopted cultural, economic and social measures that fall within the spirit of the United Nations Declaration on the Rights of Indigenous Peoples. Moreover the Real Equality Overseas Act has transformed the Consultative Council of American Indian and Bushinengue Peoples into a Grand Customary Council.

90. Since 2015, the month of memories of slavery and struggles for equality has been celebrated. On 10 May 2016, the Head of State announced the establishment of a Foundation for the Memory of Slavery and Trafficking and their Abolition.[162]

IV. Promotion and protection of the human rights of people belonging to particular groups

A. Promotion and protection of women's rights

Promotion and protection of equality between the sexes

91. Since 2008, article 1 of the Constitution has stipulated that "the law shall foster equal access of women and men to elected office and positions and to professional and social responsibilities".

92. The powers of the Higher Council on Professional Equality between Women and Men, established in 1983, were considerably extended in 2013.[163] To supplement its action, a High Council for Equality between Women and Men was established on 3 January 2013.[164] Placed under the authority of the Prime Minister, its mission is to stimulate public debate on major aspects of equality policy.[165]

93. The Act of 4 August 2014 on genuine equality between women and men[166] aims to improve their daily lives,[167] advance their rights and change mentalities.[168] It encourages fathers to take paternity leave, requires businesses to respect equality at work, protects single mothers from unpaid maintenance and extends the principle of parity to all areas of responsibility.

90. The Act of 8 August 2016 on employment, modernization of social dialogue and secure career progression[109] prohibits any sexist behaviour in companies. This prohibition must appear in the internal regulations of companies.

91. Defending women's rights, promoting equality between women and men and combating gender violence are also major priorities of French foreign policy. France supports the women, peace and security agenda of the United Nations Security Council and is currently implementing its second national plan of action (2015-2018). Since 2006, it has sponsored a biennial resolution of the United Nations General Assembly on intensifying efforts to eliminate all forms of violence against women. In line with its gender and development strategy, France places the principle of equality between women and men at the heart of all its development programmes.

Equality in employment, the civil service and political life

92. Several mechanisms have fostered equal access by women and men to professional responsibilities. An increase in the number of women in positions of authority has been observed since the adoption of the Copé-Zimmermann Act of 2011,[110] the Sauvadet Act of 2012[111] and the 2014 Act on genuine equality between women and men.[112] In the public sector, from 2017, first appointments to executive managerial posts in the three sectors of the civil service[113] are required to be at least 40 per cent male and 40 per cent female. If this is not respected, there will be a financial penalty of €90,000 per missing appointment.[114]

93. The Observatory on the societal responsibility of business[115] has published several guides on professional equality between women and men, making practical recommendations to advance more speedily towards real equality between the sexes.[116]

94. In February 2016, the High Council for Equality between Women and Men published a report on parity at work, which highlighted the increase in the proportion of women in managerial roles in companies. Women account for 28 per cent of board members of companies listed on the stock exchange.[117, 118]

95. From 1 January 2017, the Act of 4 August 2014 on genuine equality between women and men doubled the penalties for political parties that do not respect parity for legislative elections.[119]

96. The Decree of 27 March 2015 on equal access of women and men to consultative and decision-making commissions and authorities imposed parity on State authorities.[120] In addition, since March 2015, departmental councils must be 50 per cent female: this has brought about a fourfold increase in the number of female departmental councillors.[121, 122] At the communal, intercommunal, departmental and regional levels the proportion of women is on average 40 per cent.[123]

97. Recruitment juries for the competitive civil service examinations are required to be formed of equal numbers of men and women[124] in order to guarantee fair assessment of candidates.

Combating violence against women

98. Combating violence against women is a constant priority. The mechanism to prevent and punish acts of violence against women and to protect victims has been strengthened to ensure a systematic and appropriate response by the criminal justice systems and victim support, including under the aforementioned Act on genuine equality between women and men.[125]

99. The Interministerial Mission for the protection of women from violence and combating trafficking in human beings[126] has two main missions: to develop a national training plan on such violence, and to gather, analyse and disseminate information and data relating to it.[127]

100. A proactive criminal policy is implemented to combat violence against women. The designation in each prosecutor's office of a contact judge for domestic violence ensures careful treatment of reports of people at risk of domestic violence. Each court is required to develop a "court policy" so that all judicial stakeholders have full information about the

situation of the perpetrator of violence, the victim, the family make-up and any possibilities of eviction. In addition, the 24/7 telephone line "*grave danger*" enables victims to contact an operator who is able to trigger immediate intervention by the police.[98]

101. The fourth interministerial plan to prevent and combat violence against women (2014-2016) sought, in particular, to improve detection of violence and victim support. The fifth plan (2017-2019) has three objectives: to secure and strengthen the mechanisms that have proved effective in order to improve processes for women victims of violence and to ensure access to their rights; to strengthen public action where needs are greatest;[99] and to uproot violence by combating sexism, which trivializes the violence and rape culture.

102. In 2015, the first national women, peace, security (2010-2013) plan of action was renewed for 2015-2018. The objectives of the second plan can be broken down into five pillars dealing with women and armed conflict.[100] The plan is evaluated regularly in consultation with the National Consultative Commission on Human Rights and the High Council for Equality between Women and Men.

B. Promotion and protection of children's rights

The rights of the child

103. France has a comprehensive policy on the complete development of the child, along with the protection of childhood, education, youth, support for parenthood and family policy.

104. The first interministerial plan on mobilizing against and fighting violence against children, launched on 1 March 2017,[101] seeks to raise public awareness and propose practical solutions to curb all forms of violence in the family.[102] It details and makes consistent the provisions of the child protection road map 2015-2017.[103] [104]

105. In 2016, the minister of families, childhood and women's rights supported the proposed amendment designed to specify the scope of parental responsibility, prohibiting "all cruel, degrading or humiliating treatment including any use of physical violence". This provision was adopted by Parliament but disallowed by the Constitutional Council for procedural reasons.[105] The Act of 14 March 2016 on child protection[106] seeks to guarantee that the fundamental needs of children are taken into account, support their physical, affective, intellectual and social development, and protect their health, security, morality and education, respecting their rights.[107]

106. The purpose of the National Child Protection Council established in 2016[108] is to improve the governance of child protection and serve as the authority steering interministerial and decentralized child protection policy.[109]

107. The National Child Protection Observatory, which promotes a common culture of child protection among all stakeholders, was strengthened by the Act of 14 March 2016.

108. The memorandum of 19 April 2017 on judicial child protection reintroduced a process to foster the development of children and encourage cross-cutting work by those involved in child protection.

109. The national action plan for the reception and schooling of refugee and migrant children uses the inspectorates and the academic centres for the schooling of newly arrived, non-native speakers of French and children from itinerant and travelling families to guarantee the reception and assistance of all such children, paying particular attention to at-risk situations.[110]

Protection of unaccompanied minors

110. France has a system for the protection of unaccompanied minors in its territory, regardless of their nationality and legal situation.[111] The law of 14 March 2016 on child protection provides a legislative basis for the system of distributing unaccompanied minors in order to guarantee them the same rights as all other children in the country. This Act also strictly regulates the use of bone tests, introduces a presumption of minority and prohibits

certain medical examinations likely to violate human dignity. An Order of 17 November 2016[207] established a reference system that seeks to harmonize practices for assessing age and isolation, guaranteeing attention to trafficking in human beings.

111. Departmental councils set up emergency temporary accommodation for persons who present themselves as unaccompanied minors[208] and assess their minority and isolation.[209] The Ministry of Justice is training assessors to harmonize assessments throughout the country.[210]

112. Some areas receive large numbers of persons describing themselves as unaccompanied minors. This is true of Calais, where the State has put in place exceptional emergency arrangements for them. These arrangements enable them speedily to be given shelter through the establishment of juvenile reception and guidance centres.[211]

113. The Act of 7 March 2016 on foreigners[212] enshrined the principle that a foreign national who is the subject of an exclusion order and is accompanied by one or more minors must enjoy measures other than administrative detention. Detention of foreign minors who accompany their parents is therefore only possible in exceptional circumstances,[213] systematically taking into account the overriding interest of the child.[214]

C. Promotion and protection of the rights of persons with disabilities

114. France pays particular attention to respect of the rights of persons with disabilities. It submitted its initial report on implementation of the Convention to the Committee on the Rights of Persons with Disabilities in May 2016. Two million persons with severe disabilities are registered as having a disability.

115. Policies to assist autonomy combine a strategy of general access to ordinary law mechanisms with a compensation strategy that aims to reduce and overcome functional incapacities. Three major areas of public action are involved: normative regulation, the financing of benefits that guarantee a minimum level of resources to persons with disabilities who are unable to derive sufficient income from their work or who incur expense to compensate for their restricted autonomy, and the financing and availability of medical and social establishments and services to assist them.[215]

116. The provision of assistance also takes place through several specific plans (the annual disability plan, the plan for the deaf and hard of hearing, the psychiatry and mental health plan and the autism plan, the third of which covers the period 2013-2017). In order to facilitate the schooling of pupils with disabilities, the Government is improving assistance to families,[216] developing inclusion[217] and supporting digital education.[218]

117. The Act of 8 July 2013 on guidance and programming for the renewal of the school of the Republic[219] introduced into French legislation the concept of the inclusive school, which has allowed major advances to be made in the schooling policy for pupils with disabilities.[220] The new Government has made this a priority through a strengthened partnership between specialized bodies and schools, improved staffing, assisting families and developing training and digital education at the service of inclusion.

118. The National Disability Conference of 11 December 2014 outlined the major policy lines: improve access to training for persons with disabilities, organize continuing assistance into and in work, prevent employment dropout, and encourage the conclusion of company agreements with the objective of a threefold increase in three years. The fourth National Disability Conference, held on 19 May 2016, strengthened the security of careers by introducing into the law assisted employment and promoting bringing together in a single operator the tasks of job placement and maintenance in work.[221] On the occasion of the Interministerial Disability Committee of 2 December 2016, the Government committed to improving medical and social provision.[222]

119. As in the private sector, every public employer with 20 or more full-time officers or their equivalent is required to employ, full-time or part-time, persons with disabilities, so that they make up 6 per cent of all paid officers.[223, 224]

D. Protection of rights in the context of immigration and asylum

120. Two Acts have been adopted since the last review of France. The Act reforming asylum[221] strengthened the rights of asylum seekers and improved the efficiency and speed of procedures through fully suspensive appeal to the courts against decisions to deny asylum taken in the context of accelerated procedures,[222] and special provisions on reception and procedural guarantees for vulnerable persons. The Act on foreigners[223] has strengthened integration and the rights of persons deprived of their liberty by putting in place an integration process and making the multi-year residence permit universal; it has also strengthened judicial oversight of placement in detention and laid down the principle of priority being given to alternatives to detention of families.

121. France guarantees everyone access to health care. Asylum seekers enjoy immediate access to ordinary services.[224] Undocumented foreigners and the members of their families enjoy State medical aid.

122. The reception of new arrivals is the responsibility of the French immigration and integration office. New arrivals can then access different types of assistance put in place by the regional and departmental prefects. The objective is that as soon as possible they can benefit from all ordinary policies.[225]

123. The interministerial memorandum of 21 December 2016 on the employment of persons enjoying international protection[226] facilitates such persons' access to employment. It recommends appropriate careers according to profiles and needs.

124. Legal foreign workers have access to vocational training[227, 228] and the public employment service.[229] On 24 November 2016, a framework agreement was signed between the French Immigration and Integration Office[230] (OFII) and Pôle Emploi (the French Government employment office) for three years in order to respond to the needs of newly arrived foreigners, including refugees, and to assist their integration in work.[231, 232]

E. Inclusion of the Roma

125. Taking into account its constitutional framework, France distinguishes between itinerant or semi-itinerant travellers (350,000 to 400,000 persons), most of whom have French nationality, who enjoy specific policies to assist their mobility, and, migrant communities living in camps, whatever their nationality (about 16,000 persons). The inhabitants of such camps are for the most part Romanian or Bulgarian citizens enjoying freedom of movement in the European Union in conditions set out in Directive 2004/38.

126. Regarding travellers, the Equality and Citizenship Act of 27 January 2017 brought a major advance by repealing the specific statutory regime of the 1969 Act, which required them to be attached to a municipality and hold a movement licence that had to be stamped every three months. It also promotes diversification of the supply of accommodation for them.[233]

127. The commitment of the authorities is also manifest in the President's recognition, on 29 October 2016, of the responsibility of the French State for the internment of nomadic peoples in France between 1940 and 1946.

128. The Government has renewed interministerial coordination and the partnership with representative associations by reforming the National Consultative Commission for Travellers, the role of which in steering public policy has been strengthened.[234, 235]

129. With regard to those living in shanty towns and illegal camps, French policy falls within the scope of operations to anticipate and assist in the dismantling of such camps. These operations were defined in the interministerial memorandum of 26 August 2012, reconcile public order with the necessary respect of human rights[236] and make provision for effective access of persons living in shanty towns and camps to housing, health, employment and schooling.

130. The scale of the response implemented depends on the degree of urgency of evacuation, local partnerships and available resources, especially in terms of

accommodation. When the conditions are right, long-term solutions are found, as in Strasbourg, where, between 2012 and 2017, almost all the sites (300 persons) were closed, and in Toulouse, which has developed a strategy of site-by-site absorption and dealt with 931 persons since 2012. Faced with emergency situations and imminent personal danger or in more tense areas, short-term responses are sought on the basis of a social analysis and with proposals for shelter. Since 2012, the State has supported actions to absorb camps through an annual allocated budget (€4 million in 2013 and 2014, €3 million since 2015). Between 2012 and 2016, these actions enabled 9,000 people to access housing or lodging, 1,700 people to access employment and some 5,800 children to go to school.

V. Relations with civil society

131. Dialogue with civil society is a government priority. The National Consultative Commission on Human Rights, which is completely independent, advises and makes proposals to Government and Parliament on human rights. Since 2008, it has been systematically consulted about national reports submitted to treaty bodies.[137] It has also been directly involved in this report from the outset.

132. The Economic, Social and Environmental Council also advises the Government and participates in developing policies in its areas of competence. It may be consulted by Parliament and petitioned by citizens.

133. On 17 March 2017, the Ministry of Foreign Affairs issued a political orientation document on partnership between the Ministry and civil society, which underscored the areas of expertise of civil society organizations and their great mobilizing capacity, and the potential for complementing State action for international development and solidarity. It was prepared with the support of the National Council on International Development and Solidarity and illustrates the positive momentum and essential nature of partnership with civil society organizations, with which the Government is in constant dialogue.

Notes

[1] Deux reunions interministerielles ont ete organisees avec cette derniere

[2] Decret n° 2015-148 du 10 février 2015 portant publication de la convention du Conseil de l'Europe sur la prevention et la lutte contre la violence à l'egard des femmes et la violence domestique signee à Istanbul le 11 mai 2011

[3] **Recommandations 120.32; 120.34; 120.115.**

[4] **Recommandations 120.2 et 120.50.**

[5] Decret n° 2015-738 du 25 juin 2015 portant publication du protocole facultatif se rapportant au Pacte international relatif aux droits economiques, sociaux et culturels, signe à New York le 11 decembre 2012

[6] Décret n°2016-500 du 22 avril 2016 portant publication du protocole facultatif à la convention relative aux droits de l'enfant établissant une procédure de présentation de communications, adopte à New York le 19 décembre 2011, signé par la France le 20 novembre 2014

[7] **Recommandations 120.17, 120.18, 120.19.**

[8] Loi n° 2016-372 du 30 mars 2016 autorisant la ratification du protocole relatif à la convention n° 29 de l'OIT sur le travail force (1930)

[9] La France a ratifié 127 Conventions

[10] En prenant en compte les defis que le dereglement climatique pose specifiquement pour les femmes

[11] Decret n°2016-1504 du 8 novembre 2016 portant publication de l'accord de Paris adopte le 12 decembre 2015, signe par la France à New York le 22 avril 2016

[12] **Recommandations 120.5 et 120.136.**

[13] Les regles gouvernant le regime disciplinaire des membres des forces armees justifient le maintien de ces reserves

[14] **Recommandations 120.1; 120.6; 120.7; 120.8; 120.9; 120.10; 120.11; 120.12; 120.13; 120.14; 120.15; 120.16, 120.162.**

[15] **Recommandation 120.20.**

[16] **Recommandation 120.21.**

[17] Expert independant charge d'examiner la question des obligations relatives aux droits de l'homme se rapportant aux moyens de beneficier d'un environnement sûr, propre, sain et durable (20 octobre 2014

au 24 octobre 2014); Rapporteur spécial sur les droits des personnes handicapées (3 au 17 octobre 2017); Rapporteur spécial sur le droit à la vie privée pour le dernier trimestre 2017.

[9] **Recommandation 120.55.**

[10] Ces principes sont réaffirmés avec constance tant par le Conseil d'Etat que par le Conseil constitutionnel.

[11] Loi n° 2017-86 du 27 janvier 2017 relative à l'égalité et à la citoyenneté.

[12] Cette loi, qui modifie le code pénal, le code de procédure pénale et la loi du 29 juillet 1881 sur la liberté de la presse, tend principalement à généraliser les circonstances aggravantes de racisme et d'homophobie et créer une circonstance aggravante générale de racisme, améliorer et faciliter la répression des provocations, diffamations et injures à caractère raciste ou discriminatoire prévues par la loi du 29 juillet 1881 sur la liberté de la presse, étendre la répression de l'apologie et la contestation des crimes contre l'humanité prévue par cette même loi, améliorer la répression du bizutage et des comportements discriminatoires pouvant en résulter. La loi égalité et citoyenneté a également augmenté la peine pour injures racistes ou discriminatoires (6 mois et 22 500 euros) pour la rapprocher de celle pour provocations et diffamations racistes ou discriminatoires (1 an et 45 000 euros).

[13] **Recommandations 120.38; 120.72; 120.73; 120.77; 120.81; 120.86; 120.87; 120.132; 120.134.**

[14] Ces contrats sont associés à des outils d'analyse des besoins, des offres de formation et une prestation «accompagnement à la mise en œuvre pour les territoires».

[15] Réunissant les représentants de l'Etat, des collectivités locales et de la société civile.

[16] **Recommandations 120.32; 120.34; 120.38; 120.49; 120.62-63-64; 120.69; 120.70; 120.75; 120.77; 120.78; 120.81; 120.84; 120.133.**

[17] **Recommandations 120.62-63-64; 120.66; 120.68; 120.69; 120.70; 120.74; 120.76; 120.78; 120.79; 120.80; 120.82; 120.83; 120.86; 120.87.**

[18] La formation initiale assurée par les Ecoles supérieures du professorat et de l'éducation (ESPE) comprend un « enseignement à la laïcité, à la lutte contre les discriminations et à la culture de l'égalité entre les femmes et les hommes », qui représente un volume horaire de 12 heures pour le plupart de ces ESPE. Concernant la formation continue, des séminaires pour les cadres et les formateurs permettent d'enrichir et d'actualiser les savoirs et pratiques sur les valeurs de la République et la lutte contre les discriminations.

[19] Notamment la plateforme Canopé «Eduquer contre le racisme et l'antisémitisme». Le site eduscol propose également des ressources spécifiquement consacrées à la lutte contre les discriminations, le racisme, l'antisémitisme et les préjugés.

[20] Développement de sanctions et de mesures pédagogiques, de la lutte contre les contenus de haine sur Internet, de l'analyse et de la prise en compte des préjugés racistes, antisémites, notamment par les services de police et l'institution judiciaire, du développement d'une aide aux victimes adaptée, des nouveaux partenariats à établir avec les associations, les lieux de mémoire, ou des actions d'éducation, de formation, et de sensibilisation à l'égard de nouveaux publics.

[21] Aux termes duquel la République "assure l'égalité devant la loi de tous les citoyens sans distinction d'origine, de race ou de religion".

[22] Enquête "Cadre de vie et sécurité" de l'observatoire national de la délinquance et des réponses pénales, enquête annuelle de la CNCDH sur l'état et l'évolution des préjugés et opinions racistes en France, ou encore enquête "Trajectoires et origine».

[23] **Recommandation 120.48.**

[24] Ce magistrat conduit la politique pénale dans ce domaine et constitue l'interlocuteur privilégié des enquêteurs, des partenaires extérieurs et de l'administration centrale.

[25] Pôle rassemblant autour du magistrat référent les acteurs locaux essentiels dans la lutte contre le racisme : services d'enquête, associations, représentants des autres administrations, élus et délégué du Défenseur des droits.

[26] Autorité administrative indépendante.

[27] Dont les comités opérationnels de lutte contre le racisme et les discriminations (COLRA).

[28] **Recommandation 120.73.**

[29] Loi sur la communication audiovisuelle du 29 juillet 1982 puis loi pour la confiance dans l'économie numérique du 21 juin 2004.

[30] Soumettre par ailleurs de toute obligation générale de surveillance et de recherche d'activités illicites.

[31] **Recommandation 120.128.**

[32] Article 6-I-7 de la LCEN (Loi pour la Confiance dans l'Economie Numérique).

[33] A cette fin, ils doivent mettre en place un dispositif permettant à toute personne de porter à leur connaissance ce type de données et informer promptement les autorités publiques compétentes de toute activité illicite portée à leur connaissance.

[34] Les prestataires ont l'obligation de déférer aux décisions de justice destinées à faire cesser ou à prévenir un dommage (6 I 8 de la loi de 2004). Les articles 6 I-2 et 6 I-3 prévoient que la responsabilité civile ou pénale de l'hébergeur peut être engagée dans l'hypothèse où il a effectivement

connaissance de l'information illicite diffusée et qu'il n'agit pas promptement pour la retirer ou la rendre inaccessible.

[44] **Recommandation 120.73.**

[45] Le «groupe de contact sur les contenus de haine sur internet», copiloté par la Délégation à la lutte contre le racisme, l'antisémitisme, et la haine anti-Lgbt (DILCRAH), et la Délégation ministérielle aux industries de sécurité et aux cybermenaces (DMISC) a été mis en place en mars 2017 afin d'assurer une meilleure exécution des réquisitions judiciaires aux fins d'identification, une plus large diffusion sur internet des décisions judiciaires, la mise à disposition de la justice par les plateformes des contenus de haine effacés, le développement des signalements aux parquets, et ainsi que l'amélioration du traitement des signalements aux fins de suppression des contenus de haine.

[46] **Recommandation 120.133.**

[47] https://edoc.coe.int/fr/ressources-en-ligne/5746-mouvement-contre-le-discours-de-haine.html

[48] Une formation *« Le racisme et l'antisémitisme : enjeux contemporains »* et une formation *« Justice et discours de haine »* qui permet d'aborder, par le biais de conférences et d'échanges, la question de la répression des «discours de haine» au regard du développement des nouveaux moyens de communication, notamment internet.

[49] Dans le prolongement des dépêches du 11 juin 2014 et du 5 mars 2015 concernant la signature des protocoles de coopération entre le Défenseur des droits et le ministère public, une nouvelle dépêche a été diffusée le 25 novembre 2016 concernant les relations du Défenseur des droits avec les juridictions de l'ordre judiciaire. Ainsi, la signature de conventions avec le Défenseur des droits s'est intensifiée sur l'ensemble du territoire. Depuis le début de l'année 2017, le nombre de conventions ou protocoles entre les parquets généraux et le Défenseur des droits est porté à 26. **Recommandation 120.64.**

[50] **Recommandations 120.32; 120.33; 120.34; 120.36.**

[51] **Recommandations 120.98; 120.99; 120.100; 120.101.**

[52] Le Conseil constitutionnel, dans sa décision n° 93-325 du 13 août 1993 a très fermement précisé que la mise en œuvre des vérifications d'identité devait s'opérer «en se fondant exclusivement sur des critères objectifs et en excluant dans le strict respect des principes et règles de valeur constitutionnelle, toute discrimination de quelque nature qu'elle soit entre les personnes».

[53] Article R. 434-16 du code de la sécurité intérieure.

[54] Cadre légal de ce dispositif précisé par la loi n° 2016-731 du 3 juin 2016 et le décret n° 2016-1860 du 23 décembre 2016.

[55] Une évaluation sera conduite à l'issue de l'année d'expérimentation.

[56] Article R. 434-15 du code de la sécurité intérieure. Ce numéro d'identification est visible par le public sur l'uniforme, ou sur le brassard pour les agents intervenant en civil. Cf. arrêté du 24 décembre 2013 relatif aux conditions et modalités de port du numéro d'identification individuel par les fonctionnaires de la police nationale, les adjoints de sécurité et les réservistes de la police nationale.

[57] Formations à la déontologie dont les règles sont codifiées au code de la sécurité intérieure (Livre IV, Titre 3, Chapitre 4, Articles R.434-2 et suivants – code de déontologie de la police nationale et de la gendarmerie nationale). Par ailleurs, tous les personnels, quel que soit leur corps ou leur grade, sont concernés. Des intervenants institutionnels, comme le Défenseur des droits, ou des associations, comme la Ligue internationale contre le racisme et l'antisémitisme (LICRA) ou l'association «FLAG !», engagées dans la lutte contre les discriminations, interviennent dans certaines de ces formations.

[58] En 2014, les mariages de couples de même sexe ont représenté 4% du total des unions.

[59] Ce plan fera l'objet le moment venu d'une évaluation par la CNCDH.

[60] Ce plan fera l'objet le moment venu d'une évaluation par la CNCDH.

[61] Un appel à projets locaux de 1,5 million d'euros a été lancé en janvier 2017 pour le développement des politiques de lutte contre la haine anti-LGBT. La DILCRAH soutiendra ainsi, en 2017, 226 projets de 170 structures associatives sur l'ensemble du territoire national.

[62] Loi n° 2013-595 du 8 juillet 2013 d'orientation et de programmation pour la refondation de l'école de la République.

[63] **Recommandations 120.71; 120.140.**

[64] Il fait l'objet d'une circulaire, publiée le 23 juin 2016, qui en précise les grands objectifs ainsi que les modalités de mise en œuvre.

[65] L'ensemble des outils sont sur le site «*Non au harcèlement*» http://www.nonauharcelement.education.gouv.fr.

[66] Élargissement de l'amplitude horaire du numéro vert 30 20, 300 référents harcèlement aux niveaux départementaux et académiques, journée nationale et prix « non au harcèlement », enquêtes locales climat scolaire pour établir un diagnostic, ambassadeurs-rices lycéens contre le harcèlement, formation des personnels.

[67] Les mesures de la violence en milieu scolaire et de l'absentéisme des élèves dans les établissements permettent d'apprécier la qualité du climat scolaire, évalué dans le second degré, au niveau national,

par le biais d'enquêtes auprès des chefs d'établissements et d'applications informatiques. L'enquête annuelle Sivis (système d'information et de vigilance sur la sécurité scolaire) et l'enquête de victimisation, menée tous les deux ans, permettent de documenter ces phénomènes.

[68] Séjours de vacances et accueils de loisirs péri et extra-scolaires notamment.

[69] En distinguant des réseaux renforcés (364 REP+) et d'autres réseaux (731 REP), un réseau comprenant un collège et les écoles d'où viennent ses élèves.

[70] Elle s'inscrit dans le cadre de la stratégie Europe 2020 et a permis à la France d'abaisser le taux de jeunes hors de tout système de formation et sans diplôme à 8,8% en 2016, en dessous de l'objectif des 10% qui devait être atteint en 2010 (source Eurostat).

[71] http://eduscol.education.fr/pid23269/lutte-contre-le-decrochage-scolaire.html.

[72] http://eduscol.education.fr/cid88793/reserve-citoyenne-de-l-education-nationale.html.

[73] En particulier là où il existe un déficit des structures d'accueil, à Mayotte et en Guyane dans les territoires isolés.

[74] Cf. http://www.sports.gouv.fr/prevention/incivilites-violences/ et http://www.semc.sports.gouv.fr/ethique-et-valeurs/.

[75] Loi n°2016-564 du 10 mai 2016 renforçant le dialogue avec les supporters et la lutte contre le hooliganisme. Une des dispositions a consisté à la mise en place, au sein du ministère des sports, d'une Instance nationale du supportérisme associant tous les acteurs du supportérisme en France. Les travaux en cours visent à instaurer des droits et devoirs des supporters dans un souci de prévention des incivilités et discriminations dans les manifestations sportives. Dans la continuité le ministère s'emploie à ce que la loi n°2006-1294 du 23 octobre 2006 portant diverses dispositions relatives aux arbitres soit connue et appliquée par l'ensemble des acteurs concernés.

[76] **Recommandations 120.40; 120.46; 120.88; 120.90–91-92; 120.153.**

[77] Loi n° 2016-1547 du 18 novembre 2016 de modernisation de la justice du XXIe siècle.

[78] La loi prévoit un dispositif dit «socle» destiné à fournir un cadre juridique général et des déclinaisons par matière.

[79] Et ce quand bien même le candidat n'avait pas l'intention d'occuper le poste auquel il a postulé.

[80] Par ailleurs, la loi supprime des conditions de nationalité pour les personnes qui souhaitent ouvrir un café, un débit de boisson et pour les fonctions de direction d'une entreprise de pompes funèbres. Elle étend cette dispense aux détenteurs du diplôme d'Etat de chirurgien-dentiste. Elle prévoit également la remise des rapports au Parlement sur, d'une part, la possibilité de lever la condition de nationalité empêchant les étrangers non européens d'accéder au statut d'agent ou cadre de la SNCF et, d'autre part, sur les conditions d'emploi des étrangers extra-communautaires dans la fonction publique.

[81] Ce texte invite les Etats membres de l'Union européenne à mettre en place une autorité indépendante en charge de la lutte contre les discriminations faites sur le motif de l'origine. En France, cette mission est confiée au Défenseur des droits depuis la loi constitutionnelle du 23 juillet 2008.

[82] Le code du travail comme le code pénal dote les victimes de discrimination ainsi que les organismes qui les représentent des outils judiciaires nécessaires à la répression effective de ces agissements.

[83] Les CPI (classes préparatoires intégrées) ont pour objet d'aider des étudiants ou des demandeurs d'emploi, de condition modeste, à préparer les concours externes (étendues à la 3ème voie pour le concours des IRA (instituts régionaux d'administration)) de la fonction publique en leur apportant un soutien pédagogique renforcé, un appui financier et la compétence d'un tuteur.

[84] L'article 1er de la Constitution, qui consacre le principe de laïcité, précise que la République *«assure l'égalité devant la loi de tous les citoyens sans distinction d'origine, de race ou de religion. Elle respecte toutes les croyances»*. La liberté de religion ou de conviction est également consacrée par l'article 10 de la Déclaration des droits de l'Homme et du citoyen de 1789. En outre, la loi de 1905 dans son article 1er dispose que: *"La République assure la liberté de conscience. Elle garantit le libre exercice des cultes sous les seules restrictions édictées ci-après dans l'intérêt de l'ordre public"*.

[85] Dans le cadre de la Grande mobilisation de l'Ecole pour les valeurs de la République, un plan exceptionnel de formation des enseignants a été mis en œuvre à partir de février 2015. Il a été décliné en trois phases successives. La première, centrée sur les apports théoriques et scientifiques les plus récents concernant l'éducation à la citoyenneté et la transmission des valeurs de la République et incluant des éléments sur la laïcité et la lutte contre les préjugés et les discriminations, a fait l'objet de huit séminaires inter-académiques, à destination de 1000 personnels d'encadrement et de formateurs. La deuxième phase de formation a été consacrée à la présentation des ressources produites par le Ministère et Canopé afin d'aider les enseignants à créer des situations concrètes dans les établissements scolaires. La troisième phase a été centrée sur la promotion de pratiques collaboratives et démocratiques dans les établissements scolaires (débat argumenté), avec un séminaire de deux jours à destination des formateurs en mars 2017.

[86] Loi n° 2004-228 du 15 mars 2004 encadrant, en application du principe de laïcité, le port de signes ou de tenues manifestant une appartenance religieuse dans les écoles, collèges et lycées publics.

[87] **Recommandations 120.23; 120.26; 120.25; 120.27.**

[88] Voir les décisions d'irrecevabilité de la Cour européenne des droits de l'homme *Aktas c. France*, *Bayrak c. France*, *Gamaleddyn c. France*, *Ghazal c. France*, *Ranjit Singh c. France* et *Jasvir Singh c. France* (30 juin 2009).

[89] Décret n° 2007-425 du 25 mars 2007 créant un observatoire de la laïcité.

[90] Article 1er de la Constitution du 4 octobre 1958.

[91] Inclus dans le préambule de la Constitution du 27 octobre 1946.

[92] **Recommandation 120.138.**

[93] La France, en tant que membre du "Groupe des amis du protocole", avait participé activement aux travaux de rédaction de ce Protocole.

[94] Loi n° 2007-290 du 5 mars 2007 instituant le droit au logement opposable et portant diverses mesures en faveur de la cohésion sociale.

[95] **Recommandation 120.139.**

[96] Conseil d'Etat, avis du 2 juillet 2010.

[97] **Recommandation 120.47.**

[98] **Recommandations 120.137; 120.138.**

[99] Une fois le plan pauvreté monté en charge, ce sont environ 2,6 milliards d'euros supplémentaires qui seront redistribués chaque année à 2,7 millions de ménages parmi les plus en difficulté (soit environ 1 000 euros en moyenne par an et par ménage d'ici fin 2017).

[100] Loi n° 2016-832 du 24 juin 2016 visant à lutter contre la discrimination à raison de la précarité sociale.

[101] Dans le code du travail et dans la loi n° 2008-496 du 27 mai 2008 portant diverses dispositions d'adaptation au droit communautaire dans le domaine de la lutte contre les discriminations.

[102] Une première étape de réforme des minima sociaux a été mise en œuvre dès 2017. La revalorisation de la prime d'activité, lancée dès 2018, se poursuivra tout au long du quinquennat.

[103] Loi n° 2017-399 du 27 mars 2017 relative au devoir de vigilance des sociétés mères et des entreprises donneuses d'ordre.

[104] Entreprises ayant leur siège en France et plus de 5000 salariés à travers leurs filiales, ou ayant un siège à l'étranger et un en France et plus de 10 000 salariés.

[105] A défaut, leur responsabilité civile pourrait être engagée.

[106] Ce «devoir de vigilance » est une adaptation de la notion de « due diligence» présente dans les principes directeurs de l'ONU, adoptés en juin 2011 (AEF (Annuaire des Entreprises de France) n°10525). Un deuxième volet concernerait la répression en cas de manquement, avec deux articles sur la coresponsabilité pénale et civile.

[107] Cette loi fait suite notamment à la catastrophe de l'immeuble Rana Plaza au Bangladesh.

[108] CNCDH, Entreprises et droits de l'homme : avis sur les enjeux de l'application par la France des Principes directeurs des Nations Unies, 24 octobre 2013, JORF (Journal officiel de la République française) n°0266 du 16 novembre 2016.

[109] Créée par le Premier Ministre en juin 2013 et associant les pouvoirs publics ainsi que les représentants des entreprises, des salariés, des associations et des ONG.

[110] **Recommandations 120.119; 120.120; 120.121; 120.122; 120.123; 120.124.**

[111] A titre d'exemples, deux dispositifs expérimentaux ont été mis en place à Paris en 2016, l'un portant sur la protection des mineurs victimes de traite des êtres humains, l'autre sur la mise à l'abri de victimes de traite à des fins d'exploitation sexuelle.

[112] Fiches réflexes à destination des forces de sécurité, des magistrats et des inspecteurs du travail, livret pour les éducateurs de l'aide sociale à l'enfance et de la protection judiciaire de la jeunesse.

[113] Certaines de ces avancés sont soulignées par la CNCDH, désignée Rapporteur national indépendant sur la lutte contre la traite des êtres humains par le plan d'action et chargée, à ce titre, d'évaluer la politique publique en la matière – cf. CNCDH, Rapport 2016 «La lutte contre la traite et l'exploitation des êtres humains».

[114] ONDRP (Observatoire national de la délinquance et des réponses pénales)-MIPROF, Publication de l'enquête «Les victimes de traite des êtres humains suivies par les associations en France en 2015», Grand angle, n°43.

[115] Et ce pendant toute la durée de la procédure pénale et l'obtention d'une carte de résident délivrée de plein droit en cas de condamnation définitive des auteurs.

[116] Loi n° 2016-444 du 13 avril 2016 visant à renforcer la lutte contre le système prostitutionnel et à accompagner les personnes prostituées.

[117] Cette loi a montré la volonté de la France d'aller jusqu'au bout de sa position abolitionniste en plaçant les personnes prostituées et les victimes de traite des êtres humains au cœur de son action : le délit de racolage est ainsi supprimé, conformément au principe de non-sanction, porté par les textes internationaux.

[118] **Recommandations 120.105; 120.106.**

[119] **Recommandations 120.107; 120.108; 120.109; 120.110.**

[120] **Recommandation 120.104.**

[121] Cf. article 6 du règlement intérieur type annexé à l'article R. 57-6-18 du code de procédure pénale, lequel précise que «le tableau des avocats inscrits dans les barreaux du département [est] affiché dans le quartier disciplinaire».

[122] Accès au téléphone, aux unités de vie familiale et parloirs familiaux, protection étendue de la confidentialité de la correspondance écrite.

[123] **Recommandations 120.111; 120.112.**

[124] Une stratégie santé des personnes placées sous-main de justice a été définie en avril 2017. La prise en charge psychiatrique des personnes sous-main de justice a été reformée pour permettre aux personnes détenues de disposer de soins ambulatoires, d'hospitalisation de jour et d'hospitalisation complète. Par ailleurs, l'arrivée en prison constituant une période à risque suicidaire accru, les «quartiers arrivants» des établissements pénitentiaires ont été labellisés, afin de préserver la dignité de la personne détenue et de limiter le « choc carcéral».

[125] **Recommandation 120.113.**

[126] Circulaire conjointe signée le 3 juillet 2015.

[127] Réseau national des missions locales, services publics de proximité destinés à tous les jeunes de 16 à 25 ans pour surmonter les difficultés qui font obstacle à leur insertion.

[128] Jeunes faisant l'objet d'une mesure restrictive ou privative de liberté par décision de justice en milieu ouvert ou fermé.

[129] Loi n° 2002-2 du 2 janvier 2002 rénovant l'action sociale et médico-sociale.

[130] Note du 4 mai 2015 relative aux lignes directrices de l'élaboration du règlement de fonctionnement des établissements collectifs de placement judiciaire.

[131] Opération «Barkhane» au Sahel et opération « Chammal» en Irak et en Syrie.

[132] Loi n° 2012-1432 du 21 décembre 2012, loi n° 2014-1353 du 13 novembre 2014, loi n°2015-912 du 25 juillet 2015, loi n°2016-731 du 3 juin 2016 et loi n°2017-258 du 28 février 2017.

[133] Art. L. 224-1 du Code de la sécurité Intérieure (CSI).

[134] Art. L. 214-1 du CSI.

[135] L. 562-1 et suivants du code monétaire et financier.

[136] La loi n° 2017-1154 du 11 juillet 2017 a prorogé pour la 6ème fois l'application de la loi n° 55-385 du 3 avril 1955 relative à l'état d'urgence.

[137] Assignations à résidence, perquisitions administratives, dissolution d'associations et groupements de fait, fermeture de lieux de culte, manifestations, interdiction de séjour, etc.

[138] La loi n° 2015-1501 du 20 novembre 2015 prorogeant l'application de la loi n°55-385 du 3 avril 1955 relative à l'état d'urgence.

[139] Cf. décision n° 2016-611 QPC (Question prioritaire de constitutionnalité) du 10 février 2017; décision n° 2016-590 QPC du 21 octobre 2016.

[140] Liberté d'aller et venir, droit au respect de la vie privée, droit au recours effectif, droit de propriété.

[141] Enfin, la juridiction administrative exerce également un contrôle régulier des décisions individuelles prises par l'administration dans le cadre de l'état d'urgence.

[142] Dans le cadre des réquisitions prévues à l'article L. 1321-1 du code de la défense , qui dispose: *«Aucune force armée ne peut agir sur le territoire de la République pour les besoins de la défense et de la sécurité civiles sans une réquisition légale. Le premier alinéa n'est pas applicable à la gendarmerie nationale. Toutefois, conformément aux dispositions de l'article L. 214-1 du code de la sécurité intérieure, lorsque le maintien de l'ordre public nécessite le recours aux moyens militaires spécifiques de la gendarmerie nationale, leur utilisation est soumise à autorisation dans des conditions définies par décret en Conseil d'Etat »*

[143] Egalement a densifier les dispositifs de prévention de la radicalisation pour assurer une prise en charge individuelle des publics, développer la recherche appliquée en matière de contre-discours et mobiliser l'islam de France.

[144] Novembre 2017.

[145] Ces mesures seront soumises à des conditions plus ciblées qu'en période d'état d'urgence; conditionnées, pour celles qui nécessitent de pénétrer au domicile, à l'autorisation d'un juge judiciaire; encadrées dans leurs effets pour se concilier avec le respect du droit à la vie privée et familiale, susceptible de faire l'objet de recours suspensifs.

[146] Articles R.434-1 et suivants du code de la sécurité intérieure.

[147] Article R.434-3 du code de la sécurité intérieure.

[148] Afin d'assurer la protection des policiers et des gendarmes exposés à des agressions violentes et d'améliorer leur capacité opérationnelle dans les situations où la coercition physique est insuffisante ou impossible (**Recommandation 120.103**).

[149] Une doctrine commune à la police et à la gendarmerie, en date du 2 septembre 2014, a défini les règles, les modalités et les recommandations d'emploi relatives au pistolet à impulsion électrique (PIE) et aux lanceurs de balles de défense (LBD) de calibre 40 et 44 mm (les seconds étant progressivement remplacés par les premiers, plus précis). Les armes à ultrasons ne sont employées ni par la police, ni par la gendarmerie. Cette instruction, après avoir rappelé les caractéristiques de l'arme, précise le

cadre juridique de son emploi, les modalités d'emploi (notamment les précautions d'emploi et les conduites à tenir après emploi), la nécessité d'une habilitation et les formations à suivre pour user de cette arme, ainsi que le contrôle des mouvements et stockage de l'arme.

150 Mises à disposition par l'Inspection Générale de la Police Nationale et l'Inspection Générale de la Gendarmerie Nationale.

151 La loi constitutionnelle n° 2008-724 du 23 juillet 2008 de modernisation des institutions a confié au Défenseur des droits la poursuite des missions anciennement dévolues à la Commission nationale de la déontologie de la sécurité. Les modalités de saisine de cette autorité ont ainsi été élargies.

152 Conseil départemental d'accès au droit, maison de justice et du droit, bureau d'aide aux victimes.

153 **Recommandations 120.93; 120.95; 120.94; 120.96; 120.97.**

154 Tout usage excessif de la force expose les forces de l'ordre à une sanction disciplinaire, indépendamment des sanctions pénales. Les fonctionnaires de police ou les militaires de la gendarmerie sont soumis au contrôle des inspections compétentes, respectivement l'inspection générale de la police nationale (IGPN), l'inspection générale de la gendarmerie nationale (IGGN) et l'inspection générale de l'administration. L'IGPN et l'IGGN effectuent des audits, des enquêtes administratives ou disciplinaires, mais aussi judiciaires sur saisine des magistrats.

155 Dont 8 pour des faits de violences sur personne gardée à vue ou témoins.

156 Loi n° 2017-256 du 28 février 2017 de programmation relative à l'égalité réelle outre-mer et portant autres dispositions en matière sociale et économique.

157 Le dispositif des « intervenants en langue maternelle » en Guyane, mis en place pour accueillir au moment des premiers apprentissages les élèves dans leur langue maternelle autre que le français, est renforcé. A Mayotte et en Guyane, des expérimentations en bilinguisme sont développées dès l'école primaire dans chacune des circonscriptions, et les enseignants sont formés spécifiquement à recevoir des élèves non francophones.

158 **Recommandation 120.141.**

159 La loi égalité réelle outre-mer prévoit également la possibilité de mettre en place des observatoires des violences faites aux femmes chargés de proposer une prise en charge globale.

160 Le ministère des outre-mer élabore une feuille de route annuelle sur l'égalité femmes-hommes. Ce document présente le bilan des actions relatives à l'égalité femmes-hommes de l'année passée réalisées outre-mer et les perspectives d'actions pour l'année en cours.

161 **Recommandation 120.66.**

162 Le 8 mars 2017, M. Lionel Zinsou, ancien Premier ministre du Bénin, a remis au Premier ministre de la République française un rapport de préfiguration de la Fondation pour la mémoire de l'esclavage, de la traite et de leurs abolitions.

163 Les compétences du CSEP ont été étendues aux questions d'articulation des temps de vie, de modes de garde, de congés familiaux, de systèmes de représentation dans l'entreprise, de harcèlement sexuel et moral, de formation initiale et continue, de diversification des choix professionnels des filles et des garçons et de création d'entreprises par les femmes.

164 **Recommandations 120.56, 120.57.**

165 Cette instance consultative indépendante, composée de parlementaires, d'élus locaux, de personnalités qualifiées, de représentants, d'associations et d'administrations de l'Etat, se substitue à l'Observatoire de la parité, dont le champ d'application, limité à la parité en politique, n'était plus adapté à la nouvelle dimension prise par la politique des droits des femmes. Il remplace également le Conseil supérieur de l'information sexuelle, la commission nationale contre les violences faites aux femmes et la commission sur l'image des femmes dans les médias.

166 Loi n° 2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les hommes.

167 **Recommandations 120.32; 120.34; 120.42.**

168 La loi s'articule autour de 5 priorités : garantir de nouveaux moyens pour l'égalité professionnelle, mettre en place une garantie publique contre les impayés de pension alimentaire, lutter contre les violences faites aux femmes, prévenir et lutter contre les stéréotypes sexistes, généraliser la parité.

169 Loi n° 2016-1088 du 8 août 2016 relative au travail, à la modernisation du dialogue social et à la sécurisation des parcours professionnels.

170 Loi n° 2011-103 du 27 janvier 2011 relative à la représentation équilibrée des femmes et des hommes au sein des conseils d'administration et de surveillance et à l'égalité professionnelle.

171 Loi n° 2012-347 du 12 mars 2012 relative à l'accès à l'emploi titulaire et à l'amélioration des conditions d'emploi des agents contractuels dans la fonction publique, à la lutte contre les discriminations et portant diverses dispositions relatives à la fonction publique.

172 Loi n° 2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les hommes – cf. supra.

173 Fonction publique d'Etat, territoriale et hospitalière.

174 Le ministère chargé de la fonction publique a reçu pour ce dispositif le prix du service public de l'ONU en 2015.

175 L'ORSE regroupe des entreprises, des investisseurs, des organisations syndicales, des universitaires, des ONG. Elle a pour mission de faire connaître les enjeux et les outils de la Responsabilité Sociétale

des Entreprises (RSE) auprès de toutes les parties prenantes de l'entreprise (actionnaires, partenaires sociaux, clients, salariés, fournisseurs et sous-traitants, pouvoirs publics, associations, citoyens, etc.).

176 **Recommandations 120.59; 120.60; 120.61.**

177 34% pour les entreprises cotées du CAC40 et 32% pour celles du SBF120.

178 **Recommandation 120.58.**

179 Cette mesure dissuasive vise à amoindrir l'écart de représentation entre femmes et hommes au sein de l'Assemblée Nationale.

180 Décret n° 2015-354 du 27 mars 2015 relatif à l'égal accès des femmes et des hommes aux commissions et instances consultatives ou délibératives placées auprès du Premier ministre, des ministres ou de la Banque de France.

181 D'autres publications permettent d'avoir une meilleure connaissance de mécanismes en œuvre dans la fonction publique, tel « Le plafond de verre dans les ministères », le Guide de prévention et de traitement des situations de violences et de harcèlement dans la fonction publique (2017) ou le Guide des congés familiaux et du temps partiel dans la fonction publique (2017).

182 Cf. rapport du Haut Conseil à l'égalité entre les femmes et les hommes concernant la parité aux niveaux communal, intercommunal, départemental et régional (2017). http://www.haut-conseil-egalite.gouv.fr/IMG/pdf/hce_parite_au_niveau_local_2017_02_02_compresse-2.pdf.

183 **Recommandation 120.58.**

184 Circulaire du 24 juin 2015.

185 Avec, en particulier, la création d'un délit général de harcèlement, la création d'un «stage de responsabilisation pour la prévention et la lutte contre les violences au sein du couple et sexistes», la généralisation du dispositif de télé-protection «Téléphone grave danger», le principe de l'éviction du conjoint violent du domicile dès lors que les faits sont susceptibles de se reproduire et que la victime en fait la demande, l'efficacité accrue de l'ordonnance de protection, la restriction de la médiation pénale aux seuls cas où la victime en fait expressément la demande et que cette mesure est assortie d'un rappel à la loi pour l'auteur des faits.

186 Cf. supra.

187 **Recommandation 120.37.**

188 Généralisé par la loi n° 2014-873 du 4 août 2014 pour l'égalité réelle entre les femmes et les hommes, ce dispositif permet également la localisation du bénéficiaire lorsque celui-ci déclenche l'alerte.

189 Enfants témoins de violences conjugales, jeunes femmes particulièrement exposées aux violences, dans le couple et sur internet, et les femmes vivant en milieu rural.

190 Participation des femmes à la gestion des situations de conflit et de post conflit; protection des femmes contre les violences et protection de droits des femmes post conflit; lutte contre l'impunité; prévention par la sensibilisation et la promotion de l'agenda «Femmes, Paix et Sécurité» à l'échelon régional et international.

191 **Recommandations 120.39; 120.44-45.**

192 **Recommandations 120.116; 120.117; 120.118.**

193 Prévention, repérage et prise en charge des violences.

194 **Recommandations 120.116-118 et 120.129.**

195 **Recommandations 120.116, 120.117, 120.118.**

196 Loi n° 2016-297 du 14 mars 2016.

197 Elle comprend des actions de prévention en faveur de l'enfant et de ses parents, l'organisation du repérage et du traitement des situations de danger ou de risque de danger pour l'enfant ainsi que les décisions administratives et judiciaires prises pour sa protection.

198 Décret n° 2016-1284 du 29 septembre 2016 pris en application de l'article L. 112-3 du code de l'action sociale et des familles et relatif aux missions, à la composition et aux modalités de fonctionnement du Conseil national de la protection de l'enfance.

199 Le CNPE a pour mission de proposer au gouvernement les orientations nationales de la protection de l'enfance, de rendre des avis sur toutes les questions s'y rattachant et de faire des propositions de nature à améliorer les interventions en protection de l'enfance et de promouvoir la convergence des politiques menées au niveau local.

200 Situations de grande précarité, mineurs non accompagnés, enfants de réfugiés et de demandeurs d'asile.

201 **Recommandations 120.164; 120.165.**

202 Arrêté du 17 novembre 2016 pris en application du décret n° 2016-840 du 24 juin 2016 relatif aux modalités de l'évaluation des mineurs privés temporairement ou définitivement de la protection de leur famille.

203 Notamment les structures de l'aide sociale à l'enfance, des dispositifs dédiés, la prise en charge hôtelière.

204 Avec le concours du préfet du département et de l'autorité judiciaire s'il y a lieu.

[205] Arrêté du 17 novembre 2016 pris en application du décret n° 2016-840 du 24 juin 2016 relatif aux modalités de l'évaluation des mineurs privés temporairement ou définitivement de la protection de leur famille.

[206] Autre exemple, à Paris, des liens étroits existent entre le centre d'hébergement géré par Emmaüs et le service en charge de l'évaluation du département pour permettre une collaboration effective.

[207] Loi n° 2016-274 du 7 mars 2016 relative au droit des étrangers en France.

[208] Dans les hypothèses limitativement énumérées par l'article L. 551-1 du CESEDA (Code de l'entrée et du séjour des étrangers et du droit d'asile).

[209] Conformément aux engagements internationaux de la France en matière de droits de l'Homme et aux exigences dégagées par la Cour européenne des droits de l'Homme.

[210] S'il intervient, le placement en rétention doit être le plus bref possible et se dérouler dans des structures adaptées.

[211] Ces politiques représentent un effort financier important estimé à plus de 57 milliards d'euros, qui mobilisent l'Etat, l'assurance-maladie et les collectivités territoriales.

[212] Information et simplification des démarches, mise en place d'un projet personnalisé de scolarisation, renforcement de l'accompagnement humain.

[213] Structures d'accueil 4ème plan autisme, formation des enseignants spécialisés.

[214] Expérimentations en cours pour les élèves porteurs d'autisme, de DYS (élèves ayant divers troubles d'apprentissage, tels que la dyslexie, la dyscalculie, la dysphasie ou la dyspraxie), cartable connecté pour les élèves hospitalisés.

[215] Loi n° 2013-595 du 8 juillet 2013 d'orientation et de programmation pour la refondation de l'école de la République.

[216] Suivi normalisé de la situation et du projet de l'élève, délivrance d'une attestation de compétences, professionnalisation de la fonction d'accompagnant.

[217] **Recommandation 120.144.**

[218] Sur les 180 millions d'euros prévus pour la période 2017-2021, 59 millions seront délégués aux Agences régionales de santé dès 2017. Les modes d'accompagnement seront diversifiés, via la création de "pôles de compétences et de prestations externalisées", destinés à financer les interventions de professionnels libéraux - psychologues, éducateurs – auprès des personnes handicapées.

[219] Article L.323-2 du code du travail.

[220] Cette obligation d'emploi s'impose à l'Etat et à ses établissements publics autres qu'industriels et commerciaux, aux collectivités locales et à leurs établissements publics autres qu'industriels et commerciaux, aux établissements sanitaires et sociaux ainsi qu'à l'exploitant public La Poste. Le non-respect de cette obligation entraîne, depuis le 1er janvier 2006, le versement d'une contribution annuelle au fonds pour l'insertion des personnes handicapées dans la fonction publique (FIPHFP).

[221] Loi n° 2015-925 du 29 juillet 2015 relative à la réforme du droit d'asile.

[222] **Recommandations 120.156; 120.158; 120.159; 120.163.**

[223] Loi n° 2016-274 du 7 mars 2016 relative au droit des étrangers en France.

[224] **Recommandations 120.46, 120.76; 120.160.**

[225] **Recommandation 120.66.**

[226] Circulaire interministérielle n° DGEFP/DPE/DGEF/DIHAL/2016/398 du 21 décembre 2016 relative à l'insertion professionnelle des bénéficiaires d'une protection internationale.

[227] **Recommandations 120.157; 120.160.**

[228] Actions de lutte contre l'illettrisme, compte personnel de formation, etc.

[229] **Recommandation 120.161.**

[230] Direction générale des étrangers en France et Délégation générale à l'emploi et à la formation professionnelle.

[231] Ce partenariat vise à faciliter l'accès de ce public au monde économique, via un emploi ou une formation. Il établit les conditions nécessaires en termes de moyens et de méthodes de mise en œuvre. Il prévoit deux axes de développement : articuler les offres de service des opérateurs, OFII et Pôle emploi, pour faciliter la construction d'un parcours adapté et personnalisé ; faciliter et organiser l'échange d'expertise par le développement d'échanges d'informations et de données informatisées entre les opérateurs.

[232] **Recommandation 120.56.**

[233] Notamment en intégrant dans le décompte dit «SRU» (Solidarité et renouvellement urbain» (obligation de logement social assignée aux communes) les terrains familiaux locatifs aménagés au profit des Gens du voyage en demande d'ancrage territorial, et, encore en facilitant la réalisation des aires d'accueil et terrains familiaux locatifs par les établissements publics de coopération intercommunale.

[234] Décret n° 2015-563 du 20 mai 2015 relatif à la Commission nationale consultative des gens du voyage.

Son secrétariat a été confié à la Délégation interministérielle à l'hébergement et à l'accès au logement (DIHAL) et la place des Gens du voyage au sein de cette commission a été renforcée.

La circulaire prévoit ainsi que des mesures soient prises pour l'accès au logement, à la santé, à l'emploi et à la scolarisation. Elle prévoit également qu'un diagnostic précède chaque évacuation afin notamment de repérer les situations les plus difficiles, une attention toute particulière étant portée aux enfants.

Recommandation 120.142.